

MEETING OF THE ENGAGEMENT POLICY DEVELOPMENT GROUP

THURSDAY, 21 MARCH 2013 2.30 PM



GROUP MEMBERS PRESENT

Councillor Bob Adams (Chairman)
Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Ibis Channell

Councillor Jock Kerr
Councillor Nick Robins
Councillor Rosemary H Woolley (Vice-Chairman)

PORTFOLIO HOLDER

Councillor Teri Bryant – Good Housing

OFFICERS

Strategic Director – Community and Environment Focus (Tracey Blackwell)
Head of Housing & Neighbourhoods (Ian Richardson)
Head of Legal & Democratic Services (Lucy Youles)
Team Leader Resident Involvement (Blake Hutchinson)
Community Engagement and Policy Development Officer (Carol Drury)
Democratic Officer (Lucy Bonshor)

OTHER MEMBERS PRESENT

Councillor Paul Wood

106. COMMENTS FROM MEMBERS OF THE PUBLIC

No public present.

107. DISCLOSURE OF INTERESTS

Councillor Jock Kerr declared a personal interest in the item on Resident Involvement as he was a Council tenant; however, the Head of Legal and Democratic Services said that as it was not a pecuniary interest no declaration was needed.

108. ACTION NOTES FROM THE MEETING HELD ON 18TH JANUARY 2013

The notes from the meeting held on 18th January were agreed as a correct record subject to Councillor Robin's name being amended.

109. UPDATES FROM PREVIOUS MEETING

The Community Engagement and Policy Development Officer, Ms Drury, informed the Group that Member training would be coming back to a future meeting of the Group. The Chairman said that the information that had been given previously had not been very intelligible. Members wanted information that identified individual Councillors training records and individual training needs. Ms Drury said that she would pass this request on to the Service Manager for HR & OD.

Another Member referred to the dog fouling issue and indicated that this was becoming a problem on the High Street in Stamford. The Strategic Director for Community & Environment Focus, Mrs Blackwell said she would look into the problem for the Member. She said that the dog fouling issue for the district was being looked at and was a future item for consideration by the Communities PDG.

110. RESIDENT INVOLVEMENT

The Chairman welcomed the Head of Housing and Neighbourhoods, Ian Richardson and the Team Leader Resident Involvement, Blake Hutchinson to the meeting.

Mr Richardson gave a presentation to the Group on resident involvement and tenant scrutiny; that is to say, scrutiny of housing services by tenants rather than scrutiny of tenants. In the past the Audit Commission had carried out a programme of regulatory inspection of social housing providers; however, the new regulatory framework operated by the Homes & Community Agency adopts a lighter touch from the regulator on the understanding that housing providers would better enable their tenants to scrutinize and influence the housing service.

This co-regulatory approach, involving provider, tenants and regulator was enabling a power shift towards local level accountability, transparency and the promotion of awareness and understanding on the part of tenants. The adoption of "local offers", which would be distinct to South Kesteven, would enable services to be shaped to meet local priorities and provide tenants with clearer reference points for scrutinizing performance and driving service improvements with housing providers proactively seeking feedback.

Mr Richardson then spoke about how tenant scrutiny was an approach not a

process; it was flexible in terms of its context and application and required a reporting structure that was effective and efficient and which enabled capability and capacity to be built amongst tenants. It was important, said Mr Richardson, that the priorities and views of the tenants should be at the heart of any decision making. He then spoke about the requirement of the Localism Act for there to be a 'democratic filter' for future housing complaints. Currently there was a corporate review taking place on the complaints procedure to streamline the service and this would need to take account of Housing Services' requirement for this democratic filter. From 1st April 2013 all housing complaints referred to the ombudsman would go to a single housing ombudsman. All other corporate complaints referred to an ombudsman would continue to be referred to the Local Government Ombudsman but housing complaints would be referred to the Housing Ombudsman only if referred by a 'designated person'; such a person being either a Member of Parliament for the area, a District Councillor for the district to which the complaint related or a 'designated' panel of tenants from the district. The expectation was that complaints would have exhausted the internal complaints procedure before being referred onwards to the Ombudsman. Implicit in the legislation was an expectation that every effort would be made to resolve complaints locally rather than have them referred to the ombudsman. However, if the democratic filter did not either satisfactorily resolve the complaint or refer it to the Ombudsman within eight weeks, the complainant would retain the right to refer the complaint directly to the ombudsman.

A brief discussion then followed with Members asking about timescales and clarifying how the complaint process would work. It was felt by those Members present that the democratic filter should in most circumstances be the District Ward Councillor for the area rather than the MP. Mr Richardson explained that the way the arrangement was drafted; the tenant could choose any of the available democratic filters. Currently, SKDC had an appeals panel of Members to consider unresolved complaints and it was felt that this panel would meet the requirement. If the panel ceased to exist, alternative arrangements, consistent with the requirements of the Localism Act, would need to be made. In any event, the Council would need to publish any revisions to its complaints handling procedures. Further discussion followed about involving the Ward Councillor in the complaint from the beginning and about the need to ensure that any panel of tenants was properly trained and supported.

Having described the possible role of tenants in both scrutiny of housing services and in providing a 'democratic filter', Mr Richardson then spoke about what makes scrutiny work and how tenants could feed in to the scrutiny process. Where tenant scrutiny is effective, it should result in an improved service experience for tenants, leading in turn to higher levels of tenant satisfaction and improved organisational performance and value for money.

Factors critical to making tenant scrutiny work included:

- A clearly defined remit and real power
- The Scrutiny Panel to be tenant led and independent

- Clear roles and responsibilities outlined with capacity to deliver
- Decisions based on freely available and commissioned information
- Embedding scrutiny in performance management arrangements
- Being accessible, encouraging diversity and promoting equality

He then spoke about how the wider body of tenants could feed into the process through tenant surveys, complaints, compliments and comments, estate inspections and walkabouts. More transparency would mean that tenants who were directly affected could have their views taken into account when, for example, the housing service was appointing contractors. Tenants could also be involved in performance monitoring and service reviews. Challenges to overcome included; ensuring equal engagement amongst tenants and meeting the expectations of those tenants. To ensure that the panel did not fail in its work, continuity and commitment needed to be built in together with ensuring fairer representation of a broader range of tenants within the panel and ensuring that the panel knew what its remit and boundaries were.

Co-regulation and tenant scrutiny was something that was here to stay. An approach was required that would formally incorporate tenants' views and which was accountable. Mr Richardson then spoke about the current tenant involvement arrangements, how he proposed the new tenant involvement arrangements might look and how the role of the housing scrutiny panel would fit into this structure.

Progress had already been made with opportunities being published and promoted in Skyline and targeted letters. Expressions of interest had been made with 46 applications completed and returned. External trainers had been identified in anticipation of assistance being needed in developing the capability of tenants involved in scrutiny.

Members discussed the response from tenants received to date and what power the scrutiny panel would hold together with timeframes for developing and implementing scrutiny arrangements. Reference was again made to who should provide the democratic filter for complaints and also who could sit on the scrutiny panel. The question of whether Ward Members would be able to sit as observers of the tenant scrutiny panel was raised and Mr Richardson replied that Ward Members would need to be invited by the panel to observe as they did not have a right to attend. The terms of reference for the panel had yet to be decided, including whether or not scrutiny panel meetings would be open meetings. In response to a question about how the panel would be renewed, Mr Richardson replied that capability and capacity would be built in, in order that the panel could be sustained, it was suggested that the terms of reference together with the support provided to the panel would seek to ensure this was achieved and sustained over a period of years.

The Chairman thanked Mr Richardson and Mr Hutchinson for attending the meeting and their presentation.

111. REVIEW OF GOVERNANCE ARRANGEMENTS

The Chairman invited Councillor Wood to put his case. Councillor Wood thanked the Chairman for inviting him to the meeting. He briefly informed Members of his background referring to his time as an officer at SKDC at the time when a committee system was used. He did not propose that the Council went back to using a committee system like the old one but felt that a more modern committee system which was politically balanced would make Councillors feel as if they were part of the decision making process. He referred to the change that Nottingham County Council had made back to a committee system and also Newark and Sherwood District Council had recently decided to go back to a committee system.

He felt that although 58 Councillors were elected, only 6 of those made the decisions. He felt that Scrutiny did not work well and the majority of Councillors were not part of running the Council. In his view a Member had two functions

- to help run the Council and
- to represent the electorate of the district

He felt that good ideas that back bench Councillors had were not getting through as they were not part of the decision making process. Although he felt that the Cabinet would object to the change even though it would be likely that in a committee system the Cabinet would become the Chairmen of the committees, he appreciated that it would also entail a lot of work to change back to a committee system; however, Nottingham County Council had made the change at no extra cost and he felt that it would be of benefit to Members.

A discussion then followed with each Member of the PDG putting forward their view. One Member who had been involved with both systems and felt that a committee system was more involved. It was recognised that any change would need to be justified so put the question: what would be the reason for changing to a committee system. Other Members felt that the current system was:

- not accountable, not transparent and not open.
- Members were not able to put their ideas forward
- Members did not feel engaged within the system
- No feedback was given from the Executive
- Members didn't feel involved in the decision making process

A comment was made that Members were able to get involved, if they wished, they could attend any PDG and speak on any subject or attend Cabinet and speak. Members felt that as they could not vote on the topic then they could not influence the outcome. Further discussion followed with reference being made to the Musical Chairs¹ document. The Chairman appreciated all that had been said but told Members that no case had been given, the points made had all been emotive and no hard factual evidence had been given, good sound

¹ Centre for Public Scrutiny document published April 2013

reasons were required. Councillor Wood asked the Group if they would like someone from Newark and Sherwood District Council to attend a meeting, he would also circulate the reports from the Council to Members. The Chairman asked Councillor Wood if he would be a conduit for all the information to which he replied he would.

In order to help Members Ms Drury gave some background information. The question before Members was whether there was a need to change the governance and if so they needed to provide evidence to support the need for change. The Chairman did advise the Group that amongst the majority of Members there did not appear to be an appetite for change, therefore hard evidence needed to be provided. It was proposed that the Council as a whole be asked if they wished to go down this route, however, it was felt that more work was required with the evidence to back up the case for change before it was put before Council.

The Head of Legal and Democratic then gave some factual information. Currently there were 58 Councillors, of these 6 were on the Cabinet, 11 on Licensing Committee, 7 on Governance and Audit Committee and 17 on Development Control Committee that meant 41 Councillors sat on Committees that made direct decisions. With the PDG's, Scrutiny and the Constitution Committee that made 78 seats which were filled by 54 of the 58 Councillors on the Council.

In order to help Members focus on the main issues a scoping checklist was then completed by them. Members concluded that more research and hard evidence was needed to support any change to the governance of the Council and it was agreed that this would take time, anywhere between 12 and 24 months.

>Action Note

Completed checklist to be circulated to Members of the Group

The Chairman thanked Councillor Wood for attending and asked if Members had any more points that they wished to make please could they e-mail him or Ms Drury.

112. WORK PROGRAMME

Members noted the work of the PDG to date. Ms Drury said that as this was the last meeting before the Annual Council meeting she would put an overview into a word document and circulate it to Members. This would be circulated to Members for noting at the next scheduled meeting.

>Action Note

Ms Drury to circulate an overview of the work undertaken by the PDG at the next scheduled meeting

113. CLOSE OF MEETING

The meeting closed at 4.50pm.